REMARKS

Claims 1 - 9 have been rejected under 35 U.S.C. §102 as being anticipated by Graham (U.S. 4,706,953), and Claims 9 - 12 have been rejected under 35 U.S.C. §103 as being unpatentable over Graham (U.S. 4,706,953) in view of Boren (U.S. 5,263,913).

These are the same references that were used as the basis of another obviousness rejection in the previous action.

In order to be a proper basis for rejection under 35 U.S.C. §102, a reference must show each and every element of the claimed invention, which Graham does not. Initially, it should be noted that Graham is concerned with a different type of machine than applicant's invention -- one which is intended to provide cardiovascular stimulation and only passive exercise of most body components, rather than one for doing active exercises such as deep knee bends, lunges, squats or arm curls.

The device shown in Graham consists essentially of a platform which rolls on a pair of horizontally extending tracks, with bungee cords connected to both ends of the platform for sustaining an oscillating motion once the platform is set in motion. Although Graham does suggest elevating one end of the tracks to a limited degree in order to provide greater inertial forces in one direction, it does not suggest a machine having an upright post and a carriage for doing active exercises as in applicant's invention.

Boren is cited as showing a folding apparatus in general, without specific reference to any of the limitations found in the claims or the elements shown in the reference.

Independent Claims 1, 8 and 10 are being amended in a manner which should further clarify the differences between applicant's invention and the devices shown in the references. As amended, Claim 1 distinguishes over the references in calling for a horizontally extending platform for receiving an exerciser, an upright post mounted on the platform, a carriage which can be moved along the post in upward and downward directions by the exerciser, and a plurality of elastic elements which can be selectively connected to the carriage to assist or resist movement of the carriage in the upward and downward directions.

Claims 2 - 7 and 13 depend from Claim 1 and are directed to patentable subject matter for the same reasons as their amended parent claim. In addition, they call for additional features which are not found in the references.

Claim 2, for example, specifies that the carriage includes a backrest for receiving the back of the exerciser on the platform, and Claim 3 further specifies that it includes a handle adapted to be gripped by the exerciser. This is totally unlike Graham where the "exerciser" rests entirely upon the rolling platform, and there are no handles on it.

Claim 4 further distinguishes in specifying that the post is inclined at an angle relative to the platform, and Claim 5 further specifies that the angle between the post and the platform is adjustable.

Claim 6 calls for a plurality of rollers which mount the carriage to the post for rolling movement along the post, and Claim 7 specifies that the elastic elements are bungee cords.

Claim 13 further distinguishes in specifying that the platform is adapted to rest on a horizontally extending supporting surface, and the post is supported by the platform.

Claim 8, as amended, distinguishes over the references in calling for a horizontally extending platform for receiving an exerciser, an upright post mounted on the platform, a carriage which can be moved along the post in upward and downward directions by the exerciser, horizontally extending arms affixed to the post above and below the carriage, and a plurality of elastic elements which can be selectively connected between the carriage and the arms to assist or resist movement of the carriage in the upward and downward directions.

Claim 9 depends from Claim 8 and is directed to patentable subject matter for the same reasons as its amended parent claim. In addition, it specifies that the elastic elements are bungee cords.

Claim 10, as amended, distinguishes over the references in calling for a base including a platform formed in two sections which are hinged together for movement between an operational position in which both of the sections extend in a horizontal direction and a storage position in which one of the sections is folded at an angle relative to the other, a post mounted on the platform and extending in an upright

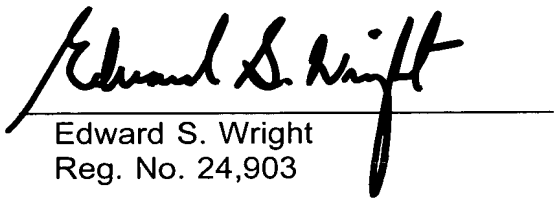
direction when the machine is in use and the platform sections extend horizontally, a carriage which can be moved along the post in upward and downward directions by an exerciser, a plurality of elastic elements which can be selectively connected to the carriage to assist or resist movement of the carriage along the post, and wheels attached to the base for use in moving the machine about. Taken individually or collectively, Graham and Boren do not disclose a machine having these elements, and as discussed in the previous response, their teachings cannot be combined without rendering the Boren machine unfit for its intended use.

Claims 11 and 12 depend from Claim 10 and are directed to patentable subject matter for the same reasons as their amended parent claim. In addition, they call for additional elements which are not found in the references.

In that regard, Claim 11 specifies that the post is hingedly connected to one of the platform sections, and a brace is connected between the post and the base for holding the post at different angles relative to that platform section, and Claim 12 specifies that the elastic elements are bungee cords.

With this amendment, it is once again respectfully submitted that all of the claims in the application (Claims 1 - 13) are directed to patentable subject matter and that the application is in condition for allowance.

Respectfully submitted,



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